

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

XIAMIN ZENG,

Plaintiff,

-against-

CITY OF NEW YORK, et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/1/2021

20-CV-00451 (MKV)

ORDER OF SERVICE

MARY KAY VYSKOCIL, United States District Judge:

Plaintiff, appearing pro se, brings this action under 42 U.S.C. § 1983, alleging that Defendants violated her rights. Following the filing of Plaintiff's Second Amended Complaint [ECF No. 18], the Court issued an Order of Service for certain Defendants who had not yet been served and asked Defendants' counsel to identify service addresses for two additional Defendants: Estavillo and Iwenofu.

As noted in the Court's previous Order of Service, Plaintiff is proceeding *pro se* and, thus, is entitled to the assistance of the U.S. Marshals Service to serve her complaint. The Court therefore extends the time to serve until 90 days after the date the summons is issued for the newly-identified Defendants.

To allow Plaintiff to effect service on Defendants Estavillo and Iwenofu through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for each of these defendants. The Clerk of Court is further instructed to issue a summons and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon these defendants.

In order to allow time for the Marshals Service to serve the Defendants, briefing on Defendants' anticipated motion to dismiss is stayed pending further order of the Court.


However, Defendant is ordered to confer with Plaintiff and propose a schedule in which Plaintiff may amend her complaint with the information received in Defendants' January 29, 2021, letter and for Defendants to respond to any amended complaint.

The Clerk of Court is directed to mail a copy of this order to Plaintiff.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: February 1, 2021
New York, New York


MARY KAY VYSKOCIL
United States District Judge

DEFENDANTS AND SERVICE ADDRESSES

1. Detective Nicholas Estavillo
1 Police Plaza
Room 110C
New York, NY 10038
2. Eunice Iwenofu
c/o Assistant Corporation Counsel Carolyn Kruk
New York City Law Department
100 Church Street
New York, NY 10007